

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

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In re:	:	
	:	
THE FINANCIAL OVERSIGHT AND	:	PROMESA
MANAGEMENT BOARD FOR PUERTO RICO,	:	Title III
	:	
as representative of	:	Case No. 17-BK-3283 (LTS)
	:	
THE COMMONWEALTH OF PUERTO RICO <i>et al.</i> ,	:	(Jointly Administered)
	:	
Debtors. ¹	:	
	X	

**CREDITORS' COMMITTEE'S URGENT UNOPPOSED MOTION TO FILE
RENEWED BANKRUPTCY RULE 2004 MOTION UNDER SEAL**

¹ The Debtors in these title III cases, along with each Debtor's respective title III case number listed as a bankruptcy case number due to software limitations and the last four (4) digits of each Debtor's federal tax identification number, as applicable, are the (i) Commonwealth of Puerto Rico (Bankruptcy Case No. 17-BK-3283 (LTS)) (Last Four Digits of Federal Tax ID: 3481), (ii) Employees Retirement System of the Government of the Commonwealth of Puerto Rico ("ERS") (Bankruptcy Case No. 17-BK-3566(LTS)) (Last Four Digits of Federal Tax ID: 9686), (iii) Puerto Rico Highways and Transportation Authority ("HTA") (Bankruptcy Case No. 17-BK-3567 (LTS)) (Last Four Digits of Federal Tax ID: 3808), and (iv) Puerto Rico Sales Tax Financing Corporation ("COFINA") (Bankruptcy Case No. 17-BK-3284 (LTS)) (Last Four Digits of Federal Tax ID: 8474); and (v) Puerto Rico Electric Power Authority ("PREPA") (Bankruptcy Case No. 17 BK 4780-LTS) (Last Four Digits of Federal Tax ID: 3747).

To the Honorable United States Magistrate Judge Judith G. Dein:

The Official Committee of Unsecured Creditors of all title III debtors (other than COFINA) (the “Committee”) hereby submits this *Urgent Unopposed Motion to File Renewed Bankruptcy Rule 2004 Motion Under Seal* (the “Motion to Seal”), and hereby states as follows:

RELIEF REQUESTED

1. The Committee has already filed a public, partially-redacted version of its *Renewed Motion Seeking Entry Of Order, Under Bankruptcy Rule 2004, Authorizing Discovery With Respect To Certain Causes Of Puerto Rico Financial Crisis Beginning On August 15, 2018* [Docket No. 3066] (the “Renewed Motion”). This Motion to Seal seeks to file a full, unredacted version of the Renewed Motion under seal to protect certain confidential information covered by a Nondisclosure Agreement between the Committee and representatives of the Oversight Board.²

JURISDICTION AND VENUE

2. The United States District Court for the District of Puerto Rico has subject matter jurisdiction over this matter pursuant to PROMESA section 306(a). Venue is proper pursuant to PROMESA section 307(a).

3. The statutory basis for the relief requested herein is found in sections 105(a) of the Bankruptcy Code and Bankruptcy Rule 9018, made applicable to the title III cases by sections 301(a) and 310 of PROMESA, and Local Rule 9018-1 of the Local Bankruptcy Rules for the United States Bankruptcy Court for the District of Puerto Rico (the “Local Rules”).

BASIS FOR RELIEF REQUESTED

4. On May 15, 2018, the Committee filed a public, partially-redacted version of the Renewed Motion. The Renewed Motion seeks the entry of an order permitting the Committee to

² An unredacted version of the Renewed Motion will be delivered to the court for *in camera* review.

commence discovery of certain financial institutions (as defined in the Motion referenced below, the “Puerto Rico Financial Institutions”) as contemplated in the *Motion of Official Committee of Unsecured Creditors for Order, Under Bankruptcy Rule 2004, Authorizing Discovery Program With Respect to Certain Causes of Puerto Rico Financial Crisis* [Docket No. 706] (the “Motion”).³

5. The full, unredacted version of the Renewed Motion contains information regarding the ongoing investigation being performed by certain representatives of the Financial Oversight and Management Board (the “Oversight Board”). That information is the subject of a Nondisclosure Agreement between the Committee and the Oversight Board, and concerns matters which—according to the Oversight Board—would impact the integrity of its investigative process. As such, while the Committee and the Oversight Board disagree as to the substantive relief sought in the Renewed Motion, the parties agree that the full, unredacted version of the Renewed Motion should be filed under seal and only the redacted version of the Renewed Motion be kept in the public file. The parties further agree that copies of the unredacted Renewed Motion may be shared with the Puerto Rico Financial Institutions—the entities from whom the Committee intends to seek discovery.

6. The Committee accordingly requests that the court grant the Motion to Seal and allow the Committee to file under seal the full, unredacted version of the Renewed Motion. *See* Bankruptcy Rule 9018 (the court may “make any order which justice requires” in order to, among other things, “protect the estate or any entity in respect of a trade secret or other confidential research, development, or commercial information” or to “protect governmental matters that are made confidential by statute or regulation”).

³ Capitalized terms used but not otherwise defined in this Renewed Motion have the meanings set forth in the Renewed Motion.

NOTICE

7. Counsel for the Committee has conferred with counsel for the Oversight Board, who has reviewed the proposed redactions and does not have any objection to the form of those redactions or the relief otherwise sought in the Motion to Seal. Counsel for the Oversight Board also has agreed that the Puerto Rico Financial Institutions (the entities from whom the Committee seeks discovery) may review unredacted versions of the Renewed Motion.

NO PRIOR REQUEST

8. No previous request for the relief sought herein has been made by the Committee to this or any other court.

9. Pursuant to Local Rule 9013-1 and paragraph I.H of the Fourth Amended Case Management Procedures [Docket No. 2839], the Committee hereby certifies that it has (a) carefully examined the matter and concluded that there is a true need for an urgent hearing; (b) not created the urgency through a lack of due diligence; (c) made a bona fide effort to resolve the matter without a hearing; (d) made reasonable, good faith communications in an effort to resolve or narrow the issues being brought to the court; and (e) conferred with the parties, who do not oppose the relief requested herein.

CONCLUSION

10. For the reasons stated above, the Committee requests that the Court grant the Motion to Seal and permit the filing of the full, unredacted version of the Renewed Motion under seal.

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Dated: May 15, 2018

/s/ Luc A. Despins, Esq.

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